THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, 14th July 1952.

The House met in the Assembly Chamber, Government Estate, Mount Road,, Madras, at half past ten of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Prohibition of processions during the Budget Session of the Assembly.

*75 Q.—SRI T. VISWANATHAM: Will the Hon. the Chief Minister be pleased to state the reasons and circumstances under which the Commissioner of Police has passed a special order under section 41 of the City Police Act to be in force during the Budget Session of the Assembly and prohibiting processions, etc., during the period?

THE HON. SRI C. RAJAGOPALACHARI :—" An order under section 41 of the Madras City Police Act prohibiting processions, etc., passed by the Commissioner of Police and applicable to the whole of the City is already in force. The Commissioner of Police had strong reasons to believe that attempts might be made by certain individuals to stage demonstrations in thoroughfares and areas adjoining the Assembly buildings while the Legislature is in session. With a view to maintain public peace which would be endangered by demonstrations and counter-demonstrations of rival enthusiastic sections, the Commissioner made the order under section 41 referred to in the Question. The order helps to protect the decorum and the orderly proceedings of the House from disturbance. No new restrictions were placed on the public; the object of passing a separate order was specially to invite the attention of the public to the necessity for a strict compliance with the order in the areas specified during the session of the Legislative Assembly. I do hope, Sir, that this will not be treated as a party matter but, as a matter in which the entire House is interested. There is plenty of room in the City of Madras for the free and orderly expression of public opinion without making use of the vicinity of the House during its actual sitting."

SRI T. VISWANATHAM :—" Sir, in the answer, the Hon. Chief Minister says that the Commissioner of Police had strong reasons to believe that certain individuals would stage demonstrations. May I know who those individuals are? "

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THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I do not wish to go into those details now, but I may draw the attention of the hon. Gentleman to the fact that actually there was a demonstration, in spite of this order, by a certain small group of persons and they had to be taken away."

SRI T. NAGI REDDI :—" Sir, may I know whether it is the policy of the Government always to pass such orders first whenever the Assembly meets and whether it is their policy to pass such orders not only here but in Visakhapatnam also, as it has happened yesterday? "

MR. SPEAKER :—" I shall allow the first part of the question but not the second part."

THE HON. SRI C. RAJAGOPALACHARI :—" So far as the first portion of the question, which you were pleased to allow, Sir, is concerned, I may say that I fear it is necessary to pass such orders every time till the House gives me a law on the subject which will prevent the necessity for any special order of this nature."

SRI T. VISWANATHAM :—" Besides all the existing Acts, which invest the Government with all kinds of powers, what new law has the Hon. Chief Minister got under contemplation? Let him take the House into confidence in this regard."

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I can immediately take my Friends on the opposite side into confidence. I do want we should co-operate with one another to produce an atmosphere, helpful to calm deliberation in the House. Just as we have trees, parks and water-ponds around us and facilities in the canteens, we should also have silence and peace around us. I think hon. Members would ultimately agree that in certain roads around this House which is situated in the thick of the City's business centre, we should have a certain degree of order and freedom from noise and disturbance, and I think, it can be produced without interfering in the least with the liberty of association of individuals and groups to express their opinions not only by words but by processions and demonstrations."

SRI T. NAGI REDDI :—" Are the Government aware that in all the democratic countries, which they are so very particular to mention in this House so very often, the people have got a particular privilege of coming and expressing their opinions to the House, whenever the House is in session, in certain ways which are open to them? "

THE HON. SRI C. RAJAGOPALACHARI :—" As regards the right of demonstrations and processions in the vicinity of legislative Houses and places of residence or offices of public business in the State, there is always a balance between the

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amount of representation which the people get in the Legislature and the amount of demonstration that is allowed. The more we get by way of representation in the Legislature the less the necessity for these demonstrations."

SRI S. DEIVASIGAMANY :—" Was this order passed by the Commissioner of Police without the knowledge of the Government? "

THE HON. SRI C. RAJAGOPALACHARI :—" No, Sir. The knowledge of the Government is the initiative and the Commissioner's order is the consequence."

SRI T. VISWANATHAM :—" Is the Hon. Chief Minister aware that it is one of the rights guaranteed in the Constitution to have peaceful demonstrations, wherever they may be, and that an order closing the roads to the public in general is *ultra vires* of the Constitution? "

THE HON. SRI C. RAJAGOPALACHARI :—" I would like the matter to be tested under the provisions of the Constitution in Courts. But, if the question is a friendly question by way of debate, I may say that every fundamental right has its limitations for the purposes of the good of the State and the orderly transaction of business, especially of legislative and deliberative business."

SRI V. R. NAGARAJAN :—" Are the Government of the confirmed view that we cannot get on with the work of our Assembly without passing such special orders? "

THE HON. SRI C. RAJAGOPALACHARI :—" If the Legislature will give the money necessary for locating this building elsewhere, this order would not be necessary, Sir."

SRI PILLALAMARRI VENKATESWARLU :—" May I know if the Government are prepared to allow peaceful demonstrations, when the Assembly is in session? "

THE HON. SRI C. RAJAGOPALACHARI :—" I have already said in my original answer to the primary question that there is plenty of room outside, away from the streets round about this House, for staging peaceful demonstrations. I have absolutely no objection and I am sure the Commissioner of Police will have no objection to any procession anywhere else, but it is only in regard to the physical proximity of the House that I wish the hon. Members opposite should co-operate with me."

SRI T. VISWANATHAM :—" Does the Hon. Chief Minister consider that the promulgation of such an order every time there is a Legislative session is productive of the cordial atmosphere which he desires? "

THE HON. SRI C. RAJAGOPALACHARI :—" If only hon. Members opposite will co-operate with me to a trifling

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degree, there will be no disturbance of the cordial and co-operative atmosphere. It is only the questions that disturb and not the order."

SRI C. V. K. RAO :—" Does it mean that as long as the Assembly buildings exist here, there will be a necessity for this order, as the Hon. the Chief Minister said just now? "

THE HON. SRI C. RAJAGOPALACHARI :—" There is no new point. I have already said enough to explain the position."

Political prisoners in Salem Jail.

* 76 Q.—SRI K. RAJAGOPAL RAO : Will the Hon. the Minister for Law be pleased to state whether the Government or the I.G. of Prisons has received any representation from the political prisoners of Salem Jail or from the hon. Members of this House regarding the repatriation of those prisoners to their respective linguistic areas?

THE HON. SRI K. P. KUTTIKRISHNAN NAYAR :—" Yes, if the hon. member is referring to the prisoners belonging to the Communist Party."

SRI K. RAJAGOPAL RAO :—" In view of the fact that the relatives of the prisoners are unable to interview them because of the long distance they have to travel, will the Hon. Minister consider the desirability of repatriating them to their respective linguistic areas at an early date? "

THE HON. SRI K. P. KUTTIKRISHNAN NAYAR :—" Of course, the Government will consider such representations always."

SRI PILLALAMARRI VENKATESWARLU :—" As the Communist political prisoners, who are in Salem jail, have already spent a long time both as under-trials and as prisoners, will the Government consider the question of their release from jail? "

THE HON. SRI K. P. KUTTIKRISHNAN NAYAR :—" A separate question may be put."

SRI P. RAMAMURTHI :—" In view of the fact that the representations to the Government were made over three months ago and in view of the fact that the very same representations were made to the Hon. Minister, when he visited the Salem jail about a month and a half ago, if I remember aright, may I know how long the Government are going to take in order to come to a decision on this request? "

THE HON. SRI K. P. KUTTIKRISHNAN NAYAR :—" Not very much, I can assure the hon. Member."